

Remarks/Arguments

Claims 1-3, 5-11, 16-20, 26, 27, 29-33, 36-40 and 43-58 are pending in this application. Claims 1, 18 and 26 have been amended to clarify the invention being claims. Applicants request reconsideration of the present application in light of the Amendments and Remarks presented herein.

I. Rejections

Claims 1-3, 5, 6, 8-11, 16-20, 26, 27, 29, 30, 32, 33, 36-39, 43, and 44 under 35 U.S.C. § 103(a) as being obvious in view published U.S. Patent Application 2003/0224823 to Hurst et al. ("Hurst") in combination with published U.S. Patent Application 2002/0162016 to Colvin. For a proper rejection based on Section 103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143.

II. Cited Art – Hurst and Colvin

Hurst discloses an over-the-air ("OTA") activation of secure content in response to an attempt to access the secured content. The system of Hurst requires *activation*, rather than *registration*. Such activation is not transparent to the user and requires a response from the server in order to unlock the content. Hurst repeatedly refers to an "attempt" to access the secured content, and further teaches that the user must agree that they wish to use the content.

Colvin discloses a system that prevents unauthorized use of software. The system allows software registration and requires receipt of an authorization code (either initially or after a "first period of time").

III. All Claims, As Amended, Are Patentable

Claims 1 and 18 recite "allowing use of the licensed software without eventually requiring permission from a server to use the licensed software package;" "assembling a registration message in response to the detecting of the licensed software package has been accessed, the registration message comprising a message to record that the licensed software package has begun to be used;" and "sending the registration message from the mobile device to a module registration system while allowing use of the licensed software package without

requiring a response to the registration message” Additionally, Claim 26 recites “a module to allow use of the licensed software without eventually requiring permission from a server to use the at least one licensed software package;” “a module handler operable to . . . cause a registration message to be assembled in response to detecting the at least one licensed software package has been accessed by a user, the registration message comprising a message for the server to record that the licensed software package has begun to be used in order to enable the registering of the at least one licensed software package,” and “the processing platform is further operable to cause the mobile device to send the registration message through the RF block to a module registration system at the server while allowing use of the licensed software package without requiring a response to the registration message.” It is submitted that Hurst and Colvin, either singly or in combination, do not teach or suggest the above-recited features of the amended claims and as such Applicants request allowance of the present claims.

First, there is no teaching or suggestion in the cited art of “allowing use of the licensed software *without eventually requiring permission* from a server to use the licensed software package.” Both Hurst and Colvin are directed to activation of software, both of which require some sort of permission (e.g., a password) to be eventually entered into the software to use or continue using the software. For example, paragraph [0049] of Hurst discloses that an OTA activation is required when the user “attempts” to access the content of the software and once the encryption information is received, the software can be used. This is confirmed by the 11/21/2007 Office Action at page 7. Similarly, Colvin discloses at paragraph [0035] that either an initial password is needed or a subsequent password will be needed (giving the user a “first period to operate the software until the user can retrieve the password). Regardless, Colvin teaches that a password will eventually be needed to continue using the software. There is no teaching or suggestion in either Colvin or Hurst, either singly or in combination, of “allowing use of the licensed software *without eventually requiring permission* from a server to use the licensed software package,” as recited in the independent Claims.

Second, there is no teaching or suggestion in the cited references of “a module handler operable to . . . cause a registration message to be assembled in response to detecting the at least one licensed software package has been accessed by a user, the registration message comprising a message for the server to record that the licensed software package has begun to be used in

order to enable the registering of the at least one licensed software package,” as recited in the independent Claims. As stated above, both Hurst and Colvin relate to *activation* of software on a computer so the software can be used and not *registration* of the software to record that the licensed software package has begun to be used. The latter allows a server to record when software has begun to be used so that the server can track who has used the software. For example, if a user has started using pre-loaded software, embodiments of the present invention allow a server to detect such use and can charge the user for the user’s use the software; however, the server of the present application need not activate the software or even send any activation message (e.g., no password, no permission, etc.). This is opposed to Hurst and Colvin which does not allow use or continued use unless a password is entered into the software.

In light of the above, it is submitted that amended independent Claims 1, 18 and 26, as well as the claims dependent therefrom, are patentable over Hurst and Colvin, either singly or in combination. Reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully requested.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. **If any outstanding issues remain or if the Examiner anticipates an allowance but for a few minor issues, a teleconference with the undersigned is requested.**

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Conclusion

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365.

Respectfully submitted,

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